TOWNSHIP OF NUTLEY, NEW JERSEY
BOARD OF COMMISSIONERS

ORIGINAL

PUBLIC MEETING

TRANSCRIPT OF

PROCEEDINGS:

April 22, 2010
7:04 p.m.

BEFORE:
Mayor Cocchiola
Commissioner Evans
Commissioner Petracco
Commissioner Scarpelli
Commissioner Tucci
Township Clerk Rosario

Job No. NJ258338
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BEFORE:
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Commissioner Evans
Commissioner Petracco
Commissioner Scarpelli
Commissioner Tucci

Township Clerk Rosario

Job No. NJ258338
MADAM CLERK: Mayor, are we ready?

MAYOR COCCHIOLA: Yes, Madam Clerk.

MADAM CLERK: Thursday, April 22nd, 2010. Pursuant to the requirements of the Open Public Meeting Law, Chapter 231, Public Laws, 1975, notice of this meeting was published in the December 10, 2009 issues of the Nutley Sun, the Journal, the Star Ledger and the Herald News. A copy of this notice has been posted on the Nutley Town Hall bulletin board and a copy is on file in the municipal clerk's office. Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Here.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Here.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Here.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Here.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Here.

MADAM CLERK: All present, Mayor.

MAYOR COCCHIOLA: Thank you.

Commissioner Scarpelli, what do you have
this evening?

COMMISSIONER SCARPELLI: I have an introduction of an ordinance for the construction and paving of Passaic Avenue through a Department of Transportation grant. Also, have a resolution authorized to go out for bid on that same project. And I have the removal of interest on a water bill. That's all I have, Mayor.

COMMISSIONER TUCCI: What section are we doing, Joe, on Passaic?

COMMISSIONER SCARPELLI: We're doing from Park Avenue to the Belleville line.

MAYOR COCCHIOLA: Oh, going that way. Commissioner Evans?

COMMISSIONER TUCCI: Thank you.

COMMISSIONER EVANS: I have a -- just three resolutions: overpayment of property taxes, refund of property taxes and I also have an amendment to the capital budget that we introduced to recognize the addition of the 341,000 dollar grant money -- 342,000 dollars in grant money. That's it.
MAYOR COCCHIOLA: Commissioner Tucci?

COMMISSIONER TUCCI: I have four resolutions: One, rejecting RFPs from Township Forester. They were all over budget; actually we only had one, and it was over budget. I have a resolution honoring and congratulating Luther Olney at his retirement after thirty-seven years --

COMMISSIONER EVANS: Wow.

COMMISSIONER TUCCI: -- with the Township.

MAYOR COCCHIOLA: Is he here?

COMMISSIONER TUCCI: He's here. He's in the back.

MAYOR COCCHIOLA: So, I'll move that up.

COMMISSIONER TUCCI: Yup. I have a resolution authorizing membership to the New Jersey Sustainable Energy Meeting, which is similar to a JIF, only in the energy, electricity, natural gas and whatever else comes along. And I have an authorization for a bid advertisement for
recreation uniforms and equipment.
That's it.

MAYOR COCCHIOLA: Thank you.
Commissioner Petracco, you have nothing?

COMMISSIONER PETRACCO: I don't have anything on the agenda, Mayor, but I will need an Executive Session to discuss contract negotiations.

MAYOR COCCHIOLA: Got it. We'll do that at the end. I have an ordinance for introduction, and what it does is, it's already been reviewed by the Planning Board. The Residential Development Fee Ordinance -- this will exempt any homeowner who's doing any alterations that exist, the footprint less than fifty-feet. So, smaller alterations, dormers and things like that, will not be subject to any residential development fee. And that's what it does; it exempts that.

And I have four resolutions: one, authorizing an escrow refund for somebody, DeCepoli; waiver of permit fees for the Red Cross for some work that's
being done on a CDBG project; resolution recognizing National Infant Immunization Week; and, a raffle license for Lincoln School. And that's all I have.

Anything, Mr. Harkins?

MR. HARKINS: Mayor, I have one housekeeping item. I understand, at the last meeting, I wasn't present, but I understand that Commissioner Scarpelli introduced a resolution, 100-10, having to do with hiring AXA to administer a deferred compensation plan.

And I spoke to Mr. Genitempo, who was present, and my understanding was that both Commissioner Scarpelli and Commissioner Petracco voted yes; you were not present. Commissioner Evans abstained because of a conflict through work, and Commissioner Tucci abstained. Given that scenario, it was passed three-nothing. The abstention, where there was no conflict indicated, counts towards the quorum and is an affirmative vote.

There was also within the body of the resolution, a reference to the
Commissioner of Revenue and Finance reviewing the proposals and being designated as Local Plan Administrator, that's not the case. The CFO Auditor and Tax Assessor reviewed the proposals, and the CFO is going to be the Plan Administrator. And, I just want the record to reflect that, and I'll give the --

MAYOR COCCHIOLA: Okay.

MR. HARKINS: -- clerk an amended resolution that's passed.

MAYOR COCCHIOLA: (indiscernible) ready?

MR. HARKINS: Are we okay with that?

IN UNISON: Yeah.

MAYOR COCCHIOLA: Thanks.

(Off the record from 7:09 p.m.-7:11 p.m.)

(Audio occasionally fades out and words are indiscernible, 7:11 p.m.-7:29 p.m.)

MAYOR COCCHIOLA: Could everyone please stand for the flag salute?

(Pledge of Allegiance declared.)

MAYOR COCCHIOLA: Madam Clerk, for the benefit of anyone who is not in
(indiscernible), could you please reread the Sunshine Notice?

MADAM CLERK: Yes, Mayor. Thursday, April 22nd, 2010. Pursuant to the requirements of the Open Public Meeting Law, Chapter 231, Public Laws, 1975, notice of this meeting was published in the December 10, 2009 issues of the Nutley Sun, the Journal, the Star Ledger and the Herald News. A copy of this notice has been posted on the Nutley Town Hall bulletin board and a copy is on file in the municipal clerk's office.

Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Here.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Here.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Here.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Here.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Here.

MADAM CLERK: All present, Mayor.

MAYOR COCCHIOLA: Thank you.
We have no minutes this evening. We have no Communications or Correspondence this evening. We have no reports this evening. I'm feeling lonely up here.

Commissioner Tucci, I think we're going to take your one item out of order.

COMMISSIONER TUCCI: Thank you, Mayor. This is a resolution for one of our finest employees, who, after thirty-seven years, has decided to retire and spend more time with his family, and in particular, his grandchildren.

Whereas, Luther Olney is a lifelong resident of Nutley and a Nutley High School Graduate. And, whereas, Luther and his wife, Jean, have been married for thirty-six years, and have two children, Steven and Andrea, a son-in-law, Mike, and a grandson, Luca. And, whereas, Luther Olney has worked for the Township of Nutley in the Department of Parks, Recreation and Public Property since 1973, starting as a Building Maintenance Worker, and working his way up to Equipment Operator in the Shade Tree
Department, and has also served as Shop Steward since 2001. And, whereas, on April 30, 2010, Luther Olney will be retiring after thirty-seven years of dedicated service with the Township of Nutley.

Now, therefore, be it resolved, that the Board of Commissioners, of the Township of Nutley, in County of Essex, join with the Citizens of Nutley, to honor and congratulate Luther Olney on his retirement. I (indiscernible).

(Applause.)

I move the resolution.

COMMISSIONER EVANS: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiola?
MAYOR COCCHIOLA: Aye.

COMMISSIONER TUCCI: Luther, would you, please, come up?

MAYOR COCCHIOLA: You want to come up?

(Pause in audio with occasional background chatter)

MAYOR COCCHIOLA: Okay, we will move on to payment of bills. Is this working?

UNIDENTIFIED COMMISSIONER: No. Hello?

MAYOR COCCHIOLA: I don't know if the mikes are working.

UNIDENTIFIED COMMISSIONER: Testing, hello.

MAYOR COCCHIOLA: Testing.

UNIDENTIFIED COMMISSIONER: Hello, hello. Yours, Mayor.

MAYOR COCCHIOLA: Mine is not working.

UNIDENTIFIED COMMISSIONER: In or out?

MAYOR COCCHIOLA: We'll move on to payment of bills.

MADAM CLERK: Okay, Mayor, thank
you. Thursday, April 22nd, 2010:
Public Affairs $173,754.33,
Revenue & Finance $2,890,071.15,
Public Safety $35,773.56,
Public Works $55,794.50,
Parks & Public Property $544,638.43,
Payroll as of April 16th, 2010, $710,532.21,
for a grand total bill list of $4,410,564.18.
And that's all for bills, Mayor.

UNIDENTIFIED COMMISSIONER: --
bills.

UNIDENTIFIED COMMISSIONER: Second.
MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.
MADAM CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.
MADAM CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.
MADAM CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.
MADAM CLERK: Mayor Cocchiola?
MAYOR COCCHIOLA: Aye.
MADAM CLERK: Thank you, Mayor.

MAYOR COCCHIOLA: Do they work?

Working? Okay. Commissioner Scarpelli, you have an ordinance for introduction this evening?

COMMISSIONER SCARPELLI: Thank you, Mayor. This is Ordinance number 3139, which is the reconstruction of Passaic Avenue from Park Avenue to the Belleville line:

AN ORDINANCE PROVIDING FOR THE RECONSTRUCTION OF THE ROADWAY ON PASSAIC AVENUE (SECTION 4) IN THE TOWNSHIP OF NUTLEY, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING 342,100 DOLLARS, THEREFORE, FROM GRANT MONIES RECEIVED FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE COST THEROF.

I move this ordinance be passed to a second reading, advertised in the Nutley Sun together with the notice required by law, and that further consideration of said ordinance for final passage by the Board of Commissioners be held on the second reading on May 18th, 2010. I move
the ordinance.

COMMISSIONER PETRACCO: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

And, I have an ordinance to introduce, which I will introduce by reading its title:

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 285,
ENTITLED "DEVELOPMENT FEES", SECTION 3, "RESIDENTIAL DEVELOPMENT FEES" TO ADD
SECTION 3.C.5.

I move that the ordinance be passed for a second reading advertised in the Nutley Sun, in accordance with the notice required by law, and that we consider
this said ordinance for final passage at our meeting of Tuesday, April 24th. No, that's wrong.

MADAM CLERK: May 18th, 2010.

MAYOR COCCHIOLA: May 18th. I move the ordinance.

UNIDENTIFIED COMMISSIONER: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

Resolutions, Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Be it resolved by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that the Township Clerk is hereby authorized to advertise for sealed bids for the resurfacing of
Passaic Avenue, Section 4, Nutley, New Jersey 07110, to be received on behalf of the Board of Commissioners, in the Commission Chambers, Township of Nutley, 1 Kennedy Drive, Nutley, New Jersey, on Wednesday, May 12th, 2010 at 3 p.m. prevailing time, at which time they will be opened and read. I move the resolution.

COMMISSIONER PETRACCO: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER SCARPELLI: Whereas, a discrepancy exists with respect to water consumption and billing for the premises at 36 Woodland Avenue, Nutley, New
Jersey, Block 7604, Lot 9. And, whereas, due to an exterior equipment malfunction at the premises, an accurate reading was not obtained prior to billing. And, whereas, the Township of Nutley and property owner for Block 7604, Lot 9, have investigated this matter and mutually resolved the water consumption and billing discrepancy. And, whereas, the outstanding interest balance, as of the day of this resolution is $157.42.

Now, therefore, be it resolved by the Board of Commissioners of the Township of Nutley, County of Essex, as follows: the Township Treasurer is hereby authorized to remove interest in the amount of $157.42 from the water account of 36 Woodland Avenue, Block 7604, Lot 9. I move the resolution.

COMMISSIONER PETRACCO: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.
MADAM CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.
MADAM CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.
MADAM CLERK: Mayor Cocchiola?
MAYOR COCCHIOLA: Aye.
COMMISSIONER SCARPELLI: That's all I have, Mayor.
MAYOR COCCHIOLA: Thank you.
Commissioner Evans?
COMMISSIONER EVANS: Be it resolved by the Board of Commissioners of the Township of Nutley, in the County of Essex, State of New Jersey, that the Treasurer be and she is hereby authorized to refund overpayments of property taxes in the amount of $5,271 -- Tax Court Judgment as detailed -- 8900, Lot 21 -- at amount --
COMMISSIONER TUCCI: Second.
MADAM CLERK: Commissioner Scarpelli?
COMMISSIONER SCARPELLI: Aye.
MADAM CLERK: Commissioner Petracco?
(No audible response.)
MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER EVANS: -- resolved by the Board of Commissioners of the Town -- New Jersey, that the Treasurer be hereby authorized to refund overpayment of property taxes in the amount $5,340.05 -- said year: Block 5503, Lot 2, $4,678 -- Block 700, Lot 17, $661 --

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.
COMMISSIONER EVANS: I have a Capital Budget Amendment recognizing the -- grant of -- around 342,000 dollars for the Passaic Avenue, Section 4 -- the year 2010 was introduced -- 6th of April, 2010 -- capital budget section.

Now, therefore, be -- County of Essex, State of New Jersey -- approved capital budget -- Passaic Ave., Section 4, estimated total -- grants in aid and other -- so moved.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

(No audible response.)

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye. That's all you have, correct? Commissioner Tucci?

COMMISSIONER TUCCI: Whereas,
Request for Proposals for a Township Forester were opened on March 22nd, 2010. And, whereas, the lowest responsible proposal was significantly higher than the cost budgeted by the municipality. And, whereas, N.J.S.A. 40A:11-13.2 permits the rejection of all proposals under such circumstances.

Now, therefore, be it resolved, by the Board of Commissioners of the Township of Nutley that all proposals advertised, received and opened are hereby rejected. I move the resolution.

COMMISSIONER PETRACCO: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.
COMMISSIONER TUCCI: Whereas, local units of the State of New Jersey are authorized to enter into a joint contract to provide for the formation of a joint meeting for the joint procurement of natural gas, electricity and other forms of energy as permitted by the N.J.S.A. 40A:65-14. And, whereas, the statutes regulating the creation and establishment of a Joint Meeting contain a mechanism for local units to aggregate their collective energy consumption in order to negotiate and contract for energy in a cost-effective, environmentally sensitive manner, furthering the public interest entrusted to such a meeting. And, whereas, the governing body of the Township of Nutley has determined that membership in the Joint Meeting is in the best interest of the Township of Nutley.

Now, therefore, be is resolved, that the governing body of the Township of Nutley does hereby resolve and agree to become a member of the New Jersey Sustainable Energy Joint Meeting for the
purposes of joining, with other local units in the state, to aggregate purchasing power of energy, so, as to achieve financial savings and to encourage local units to cooperate in seeking ways to jointly implement sustainable energy alternatives.

Be it further resolved, that Commissioner Mauro Tucci is authorized to execute the Joint Contract Joinder Agreement, attached hereto, and that Commissioner Tucci is hereby designated to represent the local unit as a member of the State Management Committee of the NJSEM.

And, be it further resolved, that Commissioner Tucci is authorized and directed to execute such other documents signifying their membership in the NJSEM, and make payment of the Initial Membership Fee of 600 dollars as required by NJSEM's Bylaws and to deliver same to the Executive Director of the NJSEM. Funds are available from Account Number 529-237, and have been certified by the
Chief Financial Officer, said certification being attached to this resolution. I move the resolution.

COMMISSIONER EVANS: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

(No audible response.)

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER TUCCI: Be it resolved by the Board of Commissioners, of the Township of Nutley, in the County of Essex, that the Township Clerk is authorized for sealed bids for recreation uniforms and recreation equipment. Bids to be received on Wednesday, May 12th, 2010, in the Commission Chambers, Township Hall, at 3 p.m., at which time they will be publicly opened and read. I
move the resolution.

COMMISSIONER EVANS: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

(No audible response.)

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER TUCCI: That's all I have, Mayor.

MAYOR COCCHIOLA: Thank you.

Whereas, the Nutley Zoning Board of Adjustment received 1,000 dollar escrow deposit from Patricia DeCepoli for property at 378 Franklin Avenue for engineering services. Whereas, Pennoni has reviewed the plans submitted for compliance with the New Jersey map filing laws. And, whereas, the Nutley Planning Board has reviewed and determined the
remaining escrow balance of 1,000 dollars
is due to Patricia DeCepoli.

Therefore, be it resolved, by the
Board of Commissioners of the Township of
Nutley, that the above amount be refunded
to Patricia DeCepoli. --- resolution.

COMMISSIONER TUCCI: Second.
MADAM CLERK: Commissioner
Scarpelli?
COMMISSIONER SCARPELLI: Aye.
MADAM CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.
MADAM CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.
MADAM CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.
MADAM CLERK: Mayor Cocchiola?
MAYOR COCCHIOLA: Aye.

Whereas the American National Red
Cross, located at 169 Chestnut Street,
has submitted an application to the Code
Enforcement Department for interior
alterations. Whereas, the Township of
Nutley has offered to waive any building
and electrical municipal permit fees
involved with the alterations.

Therefore, be it resolved, by the
Board of Commissioners of the Township of
Nutley, that the building and electrical
municipal permit fees related to the
interior alterations at the American
National Red Cross, located at 169
Chestnut Street, be waived. Move the
resolution.

COMMISSIONER TUCCI: Second.
MADAM CLERK: Commissioner
Scarpelli?

COMMISSIONER SCARPELLI: Aye.
MADAM CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.
MADAM CLERK: Commissioner Evans?
COMMISSIONER EVANS: I abstain; I'm
a member of the --
MADAM CLERK: Okay, abstain.

Commissioner Tucci?

COMMISSIONER TUCCI: Aye.
MADAM CLERK: Mayor Cocchiola?
MAYOR COCCHIOLA: Aye.
Whereas, vaccines are among the
Twentieth Century's most successful and
cost-effective public health tool available for preventing disease and death. Whereas, National Immunization Levels are at or near record highs for most vaccines; most vaccine-preventable diseases have been reduced by ninety-nine percent or more, since the introduction of vaccines. And, whereas, immunizations are one of the most important ways parents can protect their children against serious diseases. Whereas, National Infant Immunization Week focuses local and national attention on the importance of timely immunization for infants and toddlers two years old and younger; serves as a call to parents, caregivers, and healthcare providers to participate in activities and recognition events to increase the awareness of immunizing their children before their second birthday. Whereas, the week of April 24th to May 1, 2010 has been declared National Infant Immunization Week, to help ensure that children have all their vaccinations by the age of two.
Therefore, be it resolved, the Board of Commissioners of the Township of Nutley proclaim the week of April 24th to May 1st, 2010, as Infant Immunization Awareness Week in the Township of Nutley, and encourage businesses, government agencies, national organizations, community-based organizations and service groups to spread the immunization message throughout the community. I move the resolution.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

Whereas, raffle applications have been received from Nutley Lincoln School
PTO, license number 37-10, for an on-premise 50/50 cash raffle on June 4th, 2010. Whereas, the application has been reviewed and approved by the Municipal Clerk and the Police Department.

Therefore, be it resolved by the Board of Commissioners of the Township of Nutley, County of Essex, that the aforementioned license is approved and the Municipal Clerk is authorized to issue the license. I move the resolution.

COMMISSIONER TUCCI: Second.

MADAM CLERIC: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye. That concludes the business portion of our
meeting this evening. Is there any member of the public that would like to address the Board?

UNIDENTIFIED COMMISSIONER: Do we close?

MAYOR COCCHIOLA: Now, we have to move into Executive Session. So, I entertain a motion to move into Executive Session.

UNIDENTIFIED COMMISSIONER: Moved.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Whereas, the Board of Commissioners of the Township of Nutley in the County of Essex, desires to proceed to closed executive session.

Now, therefore, be it resolved by the Board of Commissioners of the Township of Nutley that the Commission shall now move into closed executive session to discuss: contract negotiations.

Be it further resolved, that the time when such discussions may be disclosed to the public shall be when and as such disclosure may be made without
adversely affecting the Township pending and/or anticipated legal, personnel, contractual matters and other matters within the exceptions provided for by statute. The resolution was introduced by Mayor Cocchiola, seconded by Commissioner Tucci, and I'll do a roll call.

Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

(No audible response.)

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye. We will resume public session at the end of executive session to close the meeting.

(End of audio)
CERTIFICATION

I, Karen Schiffmiller, hereby certify that the foregoing is a true and correct transcription, to the best of my ability, of the sound recorded proceedings submitted for transcription.

I further certify that I am not employed by nor related to any party to this action.

In witness whereof, I hereby sign this date:
June 6, 2010.

Karen Schiffmiller

Veritext/NJ Reporting Company
800-227-8440 973-410-4040
CERTIFICATION

I, Karen Schiffmiller, hereby certify that the foregoing is a true and correct transcription, to the best of my ability, of the sound recorded proceedings submitted for transcription.

I further certify that I am not employed by nor related to any party to this action.

In witness whereof, I hereby sign this date:
June 6, 2010.

Karen Schiffmiller

Karen Schiffmiller
Board of Commissioners Meeting April 22, 2010.

The Board of Commissioners entered Executive Session at 7:30 P.M. and exited at 9:00 P.M.

**ADJOURNMENT:**
Motion to adjourn by Commissioner Petracco, seconded by Commissioner Tucci. Meeting adjourned at 9:05 P.M.

**ATTEST:**

Evelyn Rosario, RMC, CMC
Municipal Clerk

Commissioner Joseph P. Scarpelli

Commissioner Alphonse Petracco

Commissioner Thomas J. Evans

Commissioner Mauro G. Tucci

Mayor Joanne Cocchiola
BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, in the County of Essex, State of New Jersey, that the Treasurer be and she is hereby authorized to refund overpayments of the property taxes in the amount of $5,271.19 resulting from a Tax Court Judgment as detailed below.

<table>
<thead>
<tr>
<th>Block &amp; Lot</th>
<th>Address</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>8900 21</td>
<td>110 Bloomfield Ave.</td>
<td>$5,271.19 / 2009</td>
</tr>
</tbody>
</table>

I, Evelyn Rosario, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held April 22, 2010.

<table>
<thead>
<tr>
<th>Record of Vote</th>
<th>Commissioner Scarrelli</th>
<th>Commissioner Petracco</th>
<th>Commissioner Evans</th>
<th>Commissioner Tucci</th>
<th>Mayor Cocchiola</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>No</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Not Voting</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Absent/Excused</td>
<td></td>
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</tr>
</tbody>
</table>
CAPITAL BUDGET AMENDMENT

WHEREAS, the local capital budget for the year 2010 was introduced on the 6th day of April, 2010; and

WHEREAS, it is desired to amend said approved capital budget section;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey, that the following amendments to the approved capital budget section be made:

TO

CAPITAL BUDGET (CURRENT YEAR ACTION)

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated Total Cost</th>
<th>Grants in Aid And Other Funds</th>
<th>Capital Surplus</th>
</tr>
</thead>
<tbody>
<tr>
<td>Passaic Avenue Section 4</td>
<td>$342,100.00</td>
<td>342,100.00</td>
<td>$0.00</td>
</tr>
</tbody>
</table>

6-YEAR CAPITAL PROGRAM 2010-2015

Anticipated Project Schedule and Funding Requirements

<table>
<thead>
<tr>
<th>Estimated</th>
<th>Funding Amounts</th>
</tr>
</thead>
</table>
YEAR CAPITAL PROGRAM 2010-2015
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated Total Cost</th>
<th>Completion Time</th>
<th>Per Year Budget Year 2006</th>
</tr>
</thead>
<tbody>
<tr>
<td>Passaic Avenue Section 4</td>
<td>$342,100.00</td>
<td>1 Year</td>
<td>$342,100.00</td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

APPROVED __________________________

Director, Division of Local Government Serv.

I, __________________________, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held __________________.

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